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January 16, 2024

**BY ECF**

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Honorable P. Kevin Castel  
U.S. District Court, Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Courtroom 11D  
New York, NY 10007

Re: *Fairstein v. Netflix, Inc. et al.*, No. 20-cv-8042 (PKC)  
Defendants' Reply in Support of Letter Motion to Reset Trial Date

Dear Judge Castel:

I write in response to Plaintiff's Objection to Defendants' Letter Motion to Reset the Trial Date. While counsel for the parties have different views of their meet and confer calls, this letter will not focus on those differences. Plaintiff's submission appears to confirm that Plaintiff's counsel have no trial conflicts in June. Plaintiff's Letter identifies no reason why Plaintiff would be prejudiced by moving trial in this case by a matter of weeks to June, provided that date works for the Court.

As my prior letter noted, I am lead trial defense counsel in this case at the request of the Defendants (and have been lead trial counsel since being retained in February 2023). Plaintiff's Letter does not offer any reason to deprive Defendants of their choice of trial counsel. A May 6 trial date would do just that.<sup>1</sup> Defendants respectfully submit that there appear to be other windows of mutual availability for a trial throughout the year. In addition to June 2024, I also proposed in my letter trial availability for Defendants between August 19, 2024 and mid-October 2024. Plaintiff's Letter identifies two purported conflicts during that time,<sup>2</sup> though it appears that a trial during that time might also be possible if counsel for the parties and the Court were to explore that option further.

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<sup>1</sup> I personally explained to Plaintiff's counsel on our January 12, 2024 call that the trial I have starting on April 15, 2024 would be a six week trial.

<sup>2</sup> The first, *Quintez Cephus v. University of Wisconsin, et al.*, No. 3:21-cv-00126-wmc (W.D. Wis.), is set for trial beginning August 19, 2024, but that is only expected to be a five day trial. (ECF No. 36.) The second, *Graham Boswell v. Wofford College, et al.*, No. 7:23-cv-05467-TMC (D.S.C.), is in its infancy, having been filed in October 2023. Plaintiff's counsel was recently ordered to file an amended scheduling order, which clearly could lead to an order vacating the September 3, 2024 trial date (ECF No. 20), particularly if this Court were to set the instant case for September 2024.



January 16, 2024

Page 2

If the Court could accommodate a trial in June, based on my trial conflict in May and the parties' joint availability in June, Defendants respectfully request that the Court vacate the May 6, 2024 trial date and reset trial for June 10, 2024. Should that date not be amenable to the Court, Defendants request that the Court set a telephonic scheduling conference so that the parties may address the issue with the Court.

Sincerely,

A handwritten signature in black ink that reads "Bart H. Williams".

Bart H. Williams

*Counsel for Defendants Netflix, Inc., Ava  
DuVernay and Attica Locke*